

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 26 2003
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Application No.	:	09/589,730	Confirmation No. 9108
Applicant	:	KENISON, Dale C.	
Filing Date	:	June 8, 2000	
TC/A.U.	:	1616	
Examiner	:	LEVY, Neil S.	
Title:	:	Growth Promoting Pharmaceutical Implant	
Docket No.	:	70021220.0031	
Customer Number	:	26263	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND RESPONSE TO JUNE 26, 2003 OFFICE ACTION

Responsive to the Office Action dated June 26, 2003, Applicant respectfully requests entry of the following amendment:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.



Please type a plus sign (+) in this box →

41 12-01-3

1616
C-C/A

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/589,730

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Filing Date

06/08/2000

DEC 08 2003

First Named Inventor

KENISON, Dale C.

Group Art Unit

1616

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Examiner Name

LEVY, Neil S.

Total Number of Pages in This Submission

14

Attorney Docket Number

70021220.0031

ENCLOSURES (check all that apply)

Fee Transmittal Form

Assignment Papers
(for an Application)

After Allowance Communication
to Group

Fee Attached

Drawings -- 3 Replacement Sheets

Appeal Communication to Board of
Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

After Final

Petition

Proprietary Information

Affidavits/declaration(s)

Petition to Convert to a
Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation
Change of Correspondence Address

Other Enclosure(s) (please
Identify below):

Express Abandonment Request

Terminal Disclaimer

Certificate of Express Mailing;
Return Receipt Postcard

Information Disclosure Statement

Request for Refund

Certified Copy of Priority Document(s)

CD, Number of CD(s) _____

Remarks

The Commissioner is hereby authorized to charge any
required fees associated with this communication or
credit any overpayment to Deposit Account No. 19-3140.

Response to Missing Parts/
Incomplete Application

Response to Missing Parts
Under 37 CFR 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual Name

SONNENSCHEIN NATH & ROSENTHAL LLP (CUSTOMER # 26263)
By Lara Dickey Lewis, Reg. No. 48,161

Signature

Lara Dickey Lewis

Date

11/26/2003

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," under 37 CFR 1.10, and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (**Express Mail # EL 716466050 US**) on this date:

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Lara Dickey Lewis

Signature

Lara Dickey Lewis

Date

11/26/2003

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00)

Complete if Known

Application Number	09/589,730
Filing Date	06/08/2000
First Named Inventor	KENISON, Dale C.
Examiner Name	LEVY, Neil S.
Art Unit	1616
Attorney Docket No.	70021220.0031

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METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number
19-3140

Deposit Account Name
Sonnenschein, Nath et al.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 210.00)

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Lara Dickey Lewis	Registration No. (Attorney/Agent)	48,161	Telephone	816-460-2516
Signature	<i>Lara Dickey Lewis</i>			Date	11/26/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that the following documents:

**Transmittal Form (1 pg); Amendment/Reply to 06/26/03 Office Action (9 pgs);
Petition for Extension of Time (1 pg) + One copy (1 pg); Fee Transmittal Form
(1 pg); Credit Card Payment Form (1 pg); Return receipt postcard**

are being deposited with the United States Postal as "Express Mail Post Office to Addressee" and addressed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

On November 26, 2003
Date

Lara Dickey Lewis
Signature

Lara Dickey Lewis

Typed or printed name of person signing Certificate

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EXPRESS MAIL NO.

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Docket No. 70021220.0031